



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2207458

**Applicant Name:** Kevin Weare for Linda Couser

**Address of Proposal:** 6010 51<sup>st</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to allow accessory parking and a carport in the front yard of a single family residence.

The following approvals are required:

**Variance** – to allow parking in the required front yard.  
(Seattle Municipal Code 23.44.016C2)

**Variance** – to allow a portion of the principal structure to extend into the required front yard. (Seattle Municipal Code 23.44.014).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
   involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Description and Vicinity**

The subject property is located in northeast Seattle on the east side of 51<sup>st</sup> Avenue NE between NE 60<sup>th</sup> Street and NE 65<sup>th</sup> Street in close proximity to the Burke-Gilman trail and to the Federal Records Center situated along Sand Point Way NE. The surrounding neighborhood is comprised primarily of single-family residences.

The site measures approximately 7475 sq. ft. and is zoned SF 5000 (Single Family residential with a 5000 square foot minimum lot size). The SF 5000 zoning applies to all surrounding properties in the immediate vicinity, and all adjacent structures are single family homes. The site is not mapped as an environmentally critical area. The site elevation drops approximately 18 feet from west to east (from the front property line to the rear).

The abutting right-of-way, 51<sup>st</sup> Avenue NE, is paved and improved with sidewalks, curbs, and gutters. A standard 10-foot residential curbcut is located along the street frontage. There is no alley servicing the subject property. Parking is permitted on both sides of the street.

### **Proposed Action**

The project involves the construction of a single car attached carport in the front yard of the subject property for the purpose of providing a covered parking space on site. The existing curbcut is re-used for access to the new carport. When the carport was constructed without a permit, DCLU cited the applicant. As a result, the applicant seeks to obtain permits for establishing a legal on-site parking space and for construction of the carport, a structure in the required front yard.

### **Public Comment**

DCLU published public notice of the development on December 5, 2002, and the associated public comment period ended on December 18, 2002. A total of twenty-one (21) written comments were received from the public. A number of letters supported the request for the variance approvals. Other comments were written in protest to the project. The concerns expressed related to pedestrian safety, negative impact of the project on existing street character and loss of legal parking on the subject site by extending living space into the garage area.

## **ANALYSIS - VARIANCE**

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The “unusual conditions” are the constraints of the site’s dimensions with regard to the existing house. The site is 65 feet wide, with existing side yards of six (6) feet to the north and four (4) feet to the south. While there is space available in the rear yard for parking, it is impossible to access that area without a driveway easement through a neighboring side yard. The existing house was constructed in 1940. Originally, the house structure included a garage space with access through the front yard. However, approximately in 1983, the previous owners of the property converted the garage space into living space. No legal on-site parking was established at that time. In 1997 DCLU recognized the additional living space by issuing a building permit for the kitchen (former garage space) remodel without requiring that a legal parking be provided on-site. The current owner stated that she purchased the property in January 2000. The King County Assessor’s sales data supports the applicant’s account. Therefore, the unusual conditions were not created by the applicant/owner. The location of the existing house prevents relocating the on-site parking space to a conforming area.

On-site parking is a privilege enjoyed by most of the surrounding property owners in the immediate neighborhood. The strict application of SMC 23.44.016 would effectively prevent the applicant from creating legal on-site parking for this property. Considering the above arguments, the application meets the first variance criterion for establishing the legal parking space in the required front yard of the property.

The owner of the property is also seeking a variance to allow the construction of the carport addition. The existing front yard is approximately 25 feet. Therefore, there is no sufficient area available for a carport outside of the required 17.5-foot front yard. On-site covered parking is enjoyed by most of the surrounding property owners in the vicinity. The strict application of SMC 23.44.014 would effectively prevent the applicant from creating a covered on-site parking for this property. Considering the above arguments, the application meets the first variance criterion for construction of a carport in the required front yard of the property.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The requested variance to allow on-site parking in the front yard does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone. However, the requested variance for construction of the carport goes beyond the minimum necessary to afford relief and constitutes a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone because of the following reasons. The vast majority of other properties within the zone and surrounding the subject lot appear to adhere to the required minimum front yard requirement. Consistent with the streetscape in the immediate vicinity, the existing houses on the blockface appear to generally provide the required front yard. It appears

that the scale and configuration of development along both sides of this street is well established and interrupted only once by the subject structure which projects into a required front yard. The addition extends to the edge of the public sidewalk and encroaches into the required front yard and, possibly, in the public right-of-way, as well as disrupts a clearly established bulk and siting pattern within this neighborhood. Therefore, to allow the proposed variance for the carport addition would be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No material detriment to the public welfare or injury to property or improvements in the zone or vicinity is likely to occur by granting of the variance to establish legal on-site parking in the driveway in the front yard. However, granting a variance to construct the addition to the structure at the edge of the public sidewalk will negatively impact the existing streetscape and may create hazardous conditions for pedestrians in the public right-of-way.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would require that the required parking is provided on site in a side or the rear yard of the lot which is not technically possible or to convert the existing kitchen into garage space which would cause undue hardship and practical difficulties to the current owners of the house. The removal of the carport structure to comply with Code may cause practical difficulties but not hardship since the inability to cover a parking space with a roof does not represent an undue hardship.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and general welfare. The Land Use Code provides standards for parking when parking is required and provided. It is the responsibility of the City to preserve and protect those areas which are currently in predominantly single family residential use. The spirit and purpose of the Land Use Code provides for the preservation and maintenance of the physical characteristics of these single-family neighborhoods. In addition, the front yards of existing adjacent single family residences are used to determine bulk and siting patterns for future construction. The application is for construction of an addition to the existing residence in the required front yard to create a covered parking space. However, the effect of the addition is an apparent disruption of the existing streetscape. Although the use of front yard averaging allows for certain levels of variation within single family neighborhoods, allowing an unprecedented front yard dimension in a neighborhood where such a pattern clearly exists, threatens the established streetscape of the existing single-family neighborhood as protected by the Land Use Code. Therefore, the

proposed encroachment into the front yard would not effectively maintain the spirit or intent of the front yard requirement. The granting of the variance for the structure will adversely effect the physical characteristics and residential character of the surrounding neighborhood.

### **DECISION**

The requested variance to allow parking in the required front yard is **GRANTED**.

The requested variance to allow structure in the required front yard is **DENIED**.

Signature: (signature on file) Date: March 13, 2003

Marina Haufschild, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Division

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